

JUN 18 2008

Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
OR IT'S SUCCESSOR IN INTEREST,
THE DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-986

**JENNIFER QUEZADA, aka
JENNIFER MARIE QUEZADA**
131 N. Wisconsin Street
Porterville, California 93257

A C C U S A T I O N

Vocational Nurse License No. VN 190931

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

License History

2. On or about February 29, 2000, the Board issued Vocational Nurse License Number VN 190931 ("license") to Jennifer Quezada, also known as Jennifer Maria Quezada. The license expired on October 31, 2005.

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JURISDICTION

3. Section 2875 of the Business and Professions Code ("Code") states, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

6. Code section 2878.6 states, in pertinent part:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. . . irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty . . . , or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

7. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1 (a) Obtain or possess in violation of law, or prescribe,
2 or except as directed by a licensed physician and surgeon, dentist
3 or podiatrist administer to himself or herself or furnish or
4 administer to another, any controlled substance as defined in
5 Division 10 of the Health and Safety Code, or any dangerous drug
6 as defined in Article 8 (commencing with Section 4210) of Chapter
7 9 of Division 2 of this code.

8 (c) Be convicted of a criminal offense involving possession of
9 any narcotic or dangerous drug, or the prescription, consumption, or self-
10 administration of any of the substances described in subdivisions (a) and
11 (b) of this section, in which event the record of the conviction is
12 conclusive evidence thereof.

13 8. Code section 4060 states, in pertinent part, that no person shall possess any
14 controlled substance, except that furnished to a person upon the prescription by a physician,
15 dentist, podiatrist, or veterinarian.

16 COST RECOVERY

17 9. Code section 125.3 provides, in pertinent part, that the Board may request
18 the administrative law judge to direct a licensee found to have committed a violation or
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
20 and enforcement of the case.

21 10. DRUG

22 "Methamphetamine" is a Schedule II controlled substance, as designated by
23 Health and Safety Code section 11055, subdivision (d)(2).

24 FIRST CAUSE FOR DISCIPLINE

25 (Criminal Convictions)

26 11. Respondent has subjected her license to disciplinary action under Code
27 section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to
28 the qualifications, functions or duties of a vocational nurse, as follows:

a. On or about April 7, 2004, in the Superior Court of California, County of
Tulare, in the case entitled, *People of the State of California v. Jennifer Quezada* (Super. Ct.
Tulare County, 2004, Case No. PCM123753), Respondent was convicted on her plea of nolo
contendere of violating Vehicle Code section 14601.1, subdivision (a) (Driving When Privilege
Suspended or Revoked), a misdemeanor.

1 b. On or about May 19, 2004, in the Superior Court of California, County of
2 Tulare, in the case entitled, *People of the State of California v. Jennifer Quezada* (Super. Ct.
3 Tulare County, 2004, Case No. PCT119834-03), Respondent was found guilty by trial before the
4 court of violating Vehicle Code section 14601.1, subdivision (a) (Driving When Privilege
5 Suspended or Revoked), a misdemeanor.

6 c. On or about March 16, 2005, in the Superior Court of California, County
7 of Tulare, in the case entitled, *People of the State of California v. Jennifer Quezada* (Super. Ct.
8 Tulare County, 2005, Case No. PCM136388), Respondent was convicted on her plea of guilty of
9 violating Penal Code section 415/19.8 (Unlawfully Fighting Another Person), an infraction.

10 d. On or about February 29, 2008, in the Superior Court of California,
11 County of Tulare, in the case entitled, *People of the State of California v. Jennifer Marie*
12 *Quezada* (Super. Ct. Tulare County, 2006, Case No. VCF177328), Respondent was convicted
13 on her plea of nolo contendere of violating Health and Safety Code section 11379, subdivision
14 (a) (Possession of a Controlled Substance, to wit: Methamphetamine), and Health and Safety
15 Code section 11377, subdivision (a) (Transportation of a Controlled Substance for Personal Use,
16 to wit: Methamphetamine), both felonies.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Conviction Involving a Controlled Substance)**

19 12. Respondent has subjected her license to disciplinary action under Code
20 section 2878, subdivision (a), on the grounds of unprofessional conduct as defined in Code
21 section 2878.5, subdivision (c), in that Respondent was convicted of a crime involving a
22 controlled substance, as set forth in paragraph 11, subparagraph (d), above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Possessed a Controlled Substance)**

25 13. Respondent has subjected her license to disciplinary action under Code
26 section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
27 section 2878.5, subdivision (a), on or about November 22, 2006, while licensed as a vocational

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1 nurse, Respondent possessed an unknown quantity of Methamphetamine, a Schedule II
2 controlled substance, without a valid prescription, in violation of Code section 4060.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
6 Technicians issue a decision:

7 1. Revoking or suspending Vocational Nurse License Number VN 190931
8 issued to Jennifer Quezada, also known as Jennifer Marie Quezada;

9 2. Ordering Jennifer Quezada, also known as Jennifer Marie Quezada, to pay
10 the Board the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Code section 125.3; and,

12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: June 18, 2008

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18 TERESA BELLO-JONES, J.D., M.S.N., R.N.
19 Executive Officer
20 Board of Vocational Nursing and Psychiatric Technicians
21 Department of Consumer Affairs
22 State of California
23 Complainant
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